# **Employment and Training Administration**



San Francisco Regional Office 71 Stevenson Street, Room 830 P.O Box 193767 San Francisco, CA 94119–3767 Seattle Regional Office 1111 Third Avenue Suite 900 Seattle, WA 98101–3212

April 05, 2004

INTERNATIONAL LIVESTOCK JOB SERVICE COMPANY 7321 SOUTH STATE STREET SUITE A MIDVALE, UT 84047

No. of Job Openings: 8

Job Title: FARMWORKER, LIVESTOCK

Period of Employment: 05/15/2004 to 05/15/2005

Case Number: R6-04096-23687

Date of Receipt by DOL: 03/25/2004 Due Date for Modifications: 04/15/2004

## RE: C.V. RANCHES (GRANT SIMONS)

### Dear Sir/Madam:

Your temporary alien agricultural labor certification application, which was received by this office on March 25, 2004, has been reviewed, and it has been determined that it does not meet the requirements of 20 CFR 655.101 - 655.103. Consequently, pursuant to the provisions of 20 CFR 655.104, your application is not being accepted for consideration on the grounds that the availability of U.S. workers cannot be tested because the benefits, wage rates, and/or working conditions do not meet the criteria of the regulations.

The specific reasons why your application cannot be accepted for consideration, with citations to the relevant regulatory standards, appear on the enclosed checklist.

You may submit a modified application. The modifications that are required for consideration of your application also appear on the checklist. If you choose to file a modified application, it must be received in this office no later than the above captioned date. Include your case number on any correspondence sent to the regional office. Failure to do so may result in a delay in processing your application. Direct inquiries to Dave Munson at 206-553-5297, ext. 8023. Also, send the information to the Seattle office, Suite 815 instead of 900.

At the time you file a modified application with this office, you must submit a duplicate modified application to the State Workforce Agency office where you submitted the duplicate of your initial application.

If the modifications in that application are the ones specified in this notice, and the modified application is received by the date requested, it will be accepted for consideration, and a certification determination will be made on your application not later than thirty (30) days prior to your date of need.

If you file a modified application, and it does not contain all the modifications listed in this notice, we will not be able to accept it for consideration. In such event, the application will be returned to you again for further consideration.

If you file a modified application, and it contains all the modifications listed in this notice, but it is not received in the office by the date indicated, the certification determination will be postponed one day for each day?s delay in receiving

the modified application.

As provided by the regulations at 20 CFR 655.104(c), you have the opportunity to request an expedited administrative judicial review or a de novo hearing before a Department of Labor (DOL) Administrative Law Judge on the non–acceptance of the application. To obtain this review or de novo hearing, you must file within seven (7) calendar days of the date of this notice by facsimile (fax), telegram or other means normally assuring next day delivery, a written request for such a review or hearing to the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street NW, Suite 400, Washington, DC 20001–8002, with a copy to this office. The request for a review or hearing should contain any legal arguments that you believe will rebut the basis for the non–acceptance of the application.

If you do not request an expedited administrative judicial review or a de novo hearing before an Administrative Law Judge within seven (7) calendar days of the date of this notice of non–acceptance, or if you do not choose to resubmit a modified application within five (5) calendar days, no further consideration of the application will be made by any Department of Labor official.

Sincerely,

Martin Rios Certifying Officer

1. Housing 20 CFR 655.102

Deficiency:

The employer gave the location of the housing but not directions on how to get there.

Modification Required:

The employer must give directions to the housing and the worksite.

2. Wages 20 CFR 655.102

Deficiency:

The employer did not list the wage offer in Item 12a on the ETA 750 or Item 9 of the ETA 790.

Modification Required:

The employer must give enter the wage offer in the items on the forms mentioned above.

3. Positive Recruitment Plan 20 CFR 655.102(d)

Deficiency:

The employer did not provide a positive recruitment plan. The positive plan explains what the employer has done to recruit and hire U.S. workers prior to the filing of the application for H-2A workers.

Modification Required:

The employer should explain what action, if any, was taken to recruit and hire U.S. workers prior to the filing the application for H-2A workers.

4. Education, Training and 20 CFR 655.102(c)

Experience

Deficiency:

The employer's job duties, as described, is that of a Farmworker, Livestock. The employer is requiring in Item 14 of the ETA 750, four (4) years of training in livestock/farm, four (4) years of experience in the job offered and 4 years experience in the related occupation of livestock/farming. The specific vocational preparation for a Farmworker, Livestock is four (4) which is a maximum of six (6) months. The total amount of experience requested on the application is 12 years.

Modification Required:

Since the maximum amount of experienc required for a Farmworker, Livestock is six (6) months, the employer must modify Item 14 on the ETA 750 and the attachments to the ETA 790 to require no more than either six (6) months of experience in the job offered or six (6) months of experience in a related occupation. If experience is required in a related occupation, an "or" must be placed between the experience required in the job offered and the related occupation.

The employer is also rquested to list the primary crop for this job order in Item eight (8) on the ETA 750.

5. Number and Type of Workers20 CFR 655.101(b) Deficiency:

The employer needs to submit only one application listing the number of aliens requested in Item 18a on the ETA 750 unless there are circumstances that warrant the submission of an application each such as the aliens may be coming from different countries or different dates of need.

Total Hours per Week – The employer did not show the total hours per week in Item 10a nor the work schedule in Item 10b on the ETA 750 and the anticipated hours per day and week in Item 10 on the ETA 790. *The employer must provide this information on the forms*.

Attachments to the ETA 790 – The employer's attachment to the ETA 790 did not contain enough information to provide a complete job order so that U.S. applicants can view the job as a whole.

The employer should use the ETA 790 Sample Attachments in the enclosed H-2A Program Employer Information Booklet for the attachments to the ETA 790. These sample attachments are for illustrative purposes only. The employer should put the information in its own words and not just fill in the blanks.

Also enclosed is a copy of the Assurances for the employer's signature on both sides and return to this office.

A Request for Coditional Access into the Interstate Clearance System is also enclosed for the employer's signature.

cc: C.V. RANCHES (GRANT SIMONS) SWA – ID

# **Employment and Training Administration**



San Francisco Regional Office 71 Stevenson Street, Room 830 P.O Box 193767 San Francisco, CA 94119–3767 Seattle Regional Office 1111 Third Avenue Suite 900 Seattle, WA 98101–3212

April 05, 2004

INTERNATIONAL LIVESTOCK JOB SERVICE COMPANY 7321 SOUTH STATE STREET SUITE A MIDVALE, UT 84047

No. of Job Openings: 8

Job Title: FARMWORKER, LIVESTOCK

Period of Employment: 05/15/2004 to 05/15/2005

Case Number: R6-04096-23687

Date of Receipt by DOL: 03/25/2004 Due Date for Modifications: 04/15/2004

## RE: C.V. RANCHES (GRANT SIMONS)

### Dear Sir/Madam:

Your temporary alien agricultural labor certification application, which was received by this office on March 25, 2004, has been reviewed, and it has been determined that it does not meet the requirements of 20 CFR 655.101 - 655.103. Consequently, pursuant to the provisions of 20 CFR 655.104, your application is not being accepted for consideration on the grounds that the availability of U.S. workers cannot be tested because the benefits, wage rates, and/or working conditions do not meet the criteria of the regulations.

The specific reasons why your application cannot be accepted for consideration, with citations to the relevant regulatory standards, appear on the enclosed checklist.

You may submit a modified application. The modifications that are required for consideration of your application also appear on the checklist. If you choose to file a modified application, it must be received in this office no later than the above captioned date. Include your case number on any correspondence sent to the regional office. Failure to do so may result in a delay in processing your application. Direct inquiries to Dave Munson at 206-553-5297, ext. 8023. Also, send the information to the Seattle office, Suite 815 instead of 900.

At the time you file a modified application with this office, you must submit a duplicate modified application to the State Workforce Agency office where you submitted the duplicate of your initial application.

If the modifications in that application are the ones specified in this notice, and the modified application is received by the date requested, it will be accepted for consideration, and a certification determination will be made on your application not later than thirty (30) days prior to your date of need.

If you file a modified application, and it does not contain all the modifications listed in this notice, we will not be able to accept it for consideration. In such event, the application will be returned to you again for further consideration.

If you file a modified application, and it contains all the modifications listed in this notice, but it is not received in the office by the date indicated, the certification determination will be postponed one day for each day?s delay in receiving

the modified application.

As provided by the regulations at 20 CFR 655.104(c), you have the opportunity to request an expedited administrative judicial review or a de novo hearing before a Department of Labor (DOL) Administrative Law Judge on the non–acceptance of the application. To obtain this review or de novo hearing, you must file within seven (7) calendar days of the date of this notice by facsimile (fax), telegram or other means normally assuring next day delivery, a written request for such a review or hearing to the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street NW, Suite 400, Washington, DC 20001–8002, with a copy to this office. The request for a review or hearing should contain any legal arguments that you believe will rebut the basis for the non–acceptance of the application.

If you do not request an expedited administrative judicial review or a de novo hearing before an Administrative Law Judge within seven (7) calendar days of the date of this notice of non–acceptance, or if you do not choose to resubmit a modified application within five (5) calendar days, no further consideration of the application will be made by any Department of Labor official.

Sincerely,

Martin Rios Certifying Officer

1. Housing 20 CFR 655.102

Deficiency:

The employer gave the location of the housing but not directions on how to get there.

Modification Required:

The employer must give directions to the housing and the worksite.

2. Wages 20 CFR 655.102

Deficiency:

The employer did not list the wage offer in Item 12a on the ETA 750 or Item 9 of the ETA 790.

Modification Required:

The employer must give enter the wage offer in the items on the forms mentioned above.

3. Positive Recruitment Plan 20 CFR 655.102(d)

Deficiency:

The employer did not provide a positive recruitment plan. The positive plan explains what the employer has done to recruit and hire U.S. workers prior to the filing of the application for H-2A workers.

Modification Required:

The employer should explain what action, if any, was taken to recruit and hire U.S. workers prior to the filing the application for H-2A workers.

4. Education, Training and 20 CFR 655.102(c)

Experience

Deficiency:

The employer's job duties, as described, is that of a Farmworker, Livestock. The employer is requiring in Item 14 of the ETA 750, four (4) years of training in livestock/farm, four (4) years of experience in the job offered and 4 years experience in the related occupation of livestock/farming. The specific vocational preparation for a Farmworker, Livestock is four (4) which is a maximum of six (6) months. The total amount of experience requested on the application is 12 years.

Modification Required:

Since the maximum amount of experienc required for a Farmworker, Livestock is six (6) months, the employer must modify Item 14 on the ETA 750 and the attachments to the ETA 790 to require no more than either six (6) months of experience in the job offered or six (6) months of experience in a related occupation. If experience is required in a related occupation, an "or" must be placed between the experience required in the job offered and the related occupation.

The employer is also rquested to list the primary crop for this job order in Item eight (8) on the ETA 750.

5. Number and Type of Workers20 CFR 655.101(b) Deficiency:

The employer needs to submit only one application listing the number of aliens requested in Item 18a on the ETA 750 unless there are circumstances that warrant the submission of an application each such as the aliens may be coming from different countries or different dates of need.

Total Hours per Week – The employer did not show the total hours per week in Item 10a nor the work schedule in Item 10b on the ETA 750 and the anticipated hours per day and week in Item 10 on the ETA 790. *The employer must provide this information on the forms*.

Attachments to the ETA 790 – The employer's attachment to the ETA 790 did not contain enough information to provide a complete job order so that U.S. applicants can view the job as a whole.

The employer should use the ETA 790 Sample Attachments in the enclosed H-2A Program Employer Information Booklet for the attachments to the ETA 790. These sample attachments are for illustrative purposes only. The employer should put the information in its own words and not just fill in the blanks.

Also enclosed is a copy of the Assurances for the employer's signature on both sides and return to this office.

A Request for Coditional Access into the Interstate Clearance System is also enclosed for the employer's signature.

cc: C.V. RANCHES (GRANT SIMONS) SWA – ID

# **Employment and Training Administration**



San Francisco Regional Office 71 Stevenson Street, Room 830 P.O Box 193767 San Francisco, CA 94119–3767 Seattle Regional Office 1111 Third Avenue Suite 900 Seattle, WA 98101–3212

April 05, 2004

C.V. RANCHES (GRANT SIMONS) 960 KELLY TOPONCE BANCROFT, ID 83217 No. of Job Openings: 8

Job Title: FARMWORKER, LIVESTOCK

Period of Employment: 05/15/2004 to 05/15/2005

Case Number: R6-04096-23687

Date of Receipt by DOL: 03/25/2004 Due Date for Modifications: 04/15/2004

# **RE: C.V. RANCHES (GRANT SIMONS)**

### Dear Sir/Madam:

Your temporary alien agricultural labor certification application, which was received by this office on March 25, 2004, has been reviewed, and it has been determined that it does not meet the requirements of 20 CFR 655.101 – 655.103. Consequently, pursuant to the provisions of 20 CFR 655.104, your application is not being accepted for consideration on the grounds that the availability of U.S. workers cannot be tested because the benefits, wage rates, and/or working conditions do not meet the criteria of the regulations.

The specific reasons why your application cannot be accepted for consideration, with citations to the relevant regulatory standards, appear on the enclosed checklist.

You may submit a modified application. The modifications that are required for consideration of your application also appear on the checklist. If you choose to file a modified application, it must be received in this office no later than the above captioned date. Include your case number on any correspondence sent to the regional office. Failure to do so may result in a delay in processing your application. Direct inquiries to Dave Munson at 206–553–5297, ext. 8023. Also, send the information to the Seattle office, Suite 815 instead of 900.

At the time you file a modified application with this office, you must submit a duplicate modified application to the State Workforce Agency office where you submitted the duplicate of your initial application.

If the modifications in that application are the ones specified in this notice, and the modified application is received by the date requested, it will be accepted for consideration, and a certification determination will be made on your application not later than thirty (30) days prior to your date of need.

If you file a modified application, and it does not contain all the modifications listed in this notice, we will not be able to accept it for consideration. In such event, the application will be returned to you again for further consideration.

If you file a modified application, and it contains all the modifications listed in this notice, but it is not received in the office by the date indicated, the certification determination will be postponed one day for each day?s delay in receiving the modified application.

As provided by the regulations at 20 CFR 655.104(c), you have the opportunity to request an expedited administrative judicial review or a de novo hearing before a Department of Labor (DOL) Administrative Law Judge on the non–acceptance of the application. To obtain this review or de novo hearing, you must file within seven (7) calendar days of the date of this notice by facsimile (fax), telegram or other means normally assuring next day delivery, a written request for such a review or hearing to the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street NW, Suite 400, Washington, DC 20001–8002, with a copy to this office. The request for a review or hearing should contain any legal arguments that you believe will rebut the basis for the non–acceptance of the application.

If you do not request an expedited administrative judicial review or a de novo hearing before an Administrative Law Judge within seven (7) calendar days of the date of this notice of non–acceptance, or if you do not choose to resubmit a modified application within five (5) calendar days, no further consideration of the application will be made by any Department of Labor official.

Sincerely,

Martin Rios Certifying Officer

1. Housing 20 CFR 655.102

Deficiency:

The employer gave the location of the housing but not directions on how to get there.

Modification Required:

The employer must give directions to the housing and the worksite.

2. Wages 20 CFR 655.102

Deficiency:

The employer did not list the wage offer in Item 12a on the ETA 750 or Item 9 of the ETA 790.

Modification Required:

The employer must give enter the wage offer in the items on the forms mentioned above.

3. Positive Recruitment Plan 20 CFR 655.102(d)

Deficiency:

The employer did not provide a positive recruitment plan. The positive plan explains what the employer has done to recruit and hire U.S. workers prior to the filing of the application for H-2A workers.

Modification Required:

The employer should explain what action, if any, was taken to recruit and hire U.S. workers prior to the filing the application for H-2A workers.

4. Education, Training and 20 CFR 655.102(c)

Experience

Deficiency:

The employer's job duties, as described, is that of a Farmworker, Livestock. The employer is requiring in Item 14 of the ETA 750, four (4) years of training in livestock/farm, four (4) years of experience in the job offered and 4 years experience in the related occupation of livestock/farming. The specific vocational preparation for a Farmworker, Livestock is four (4) which is a maximum of six (6) months. The total amount of experience requested on the application is 12 years.

Modification Required:

Since the maximum amount of experienc required for a Farmworker, Livestock is six (6) months, the employer must modify Item 14 on the ETA 750 and the attachments to the ETA 790 to require no more than either six (6) months of experience in the job offered or six (6) months of experience in a related occupation. If experience is required in a related occupation, an "or" must be placed between the experience required in the job offered and the related occupation.

The employer is also rquested to list the primary crop for this job order in Item eight (8) on the ETA 750.

5. Number and Type of Workers20 CFR 655.101(b) Deficiency:

The employer needs to submit only one application listing the number of aliens requested in Item 18a on the ETA 750 unless there are circumstances that warrant the submission of an application each such as the aliens may be coming from different countries or different dates of need.

Total Hours per Week – The employer did not show the total hours per week in Item 10a nor the work schedule in Item 10b on the ETA 750 and the anticipated hours per day and week in Item 10 on the ETA 790. *The employer must provide this information on the forms*.

Attachments to the ETA 790 – The employer's attachment to the ETA 790 did not contain enough information to provide a complete job order so that U.S. applicants can view the job as a whole.

The employer should use the ETA 790 Sample Attachments in the enclosed H-2A Program Employer Information Booklet for the attachments to the ETA 790. These sample attachments are for illustrative purposes only. The employer should put the information in its own words and not just fill in the blanks.

Also enclosed is a copy of the Assurances for the employer's signature on both sides and return to this office.

A Request for Coditional Access into the Interstate Clearance System is also enclosed for the employer's signature.

cc: INTERNATIONAL LIVESTOCK JOB SERVICE COMPANY SWA – ID



# **Employment and Training Administration**

San Francisco Regional Office 71 Stevenson Street, Room 830 P.O Box 193767 San Francisco, CA 94119–3767 Seattle Regional Office 1111 Third Avenue Suite 900 Seattle, WA 98101–3212

April 05, 2004

Idaho Department of Labor Foreign Labor Certification 317 West Main Street Boise, ID 83735–0670

No. of Job Openings: 8

Job Title: FARMWORKER, LIVESTOCK

Period of Employment: 05/15/2004 to 05/15/2005

Case Number: R6-04096-23687

Date of Receipt by DOL: 03/25/2004 Due Date for Modifications: 04/15/2004

## **RE: C.V. RANCHES (GRANT SIMONS)**

### Dear Sir/Madam:

Your temporary alien agricultural labor certification application, which was received by this office on March 25, 2004, has been reviewed, and it has been determined that it does not meet the requirements of 20 CFR 655.101 – 655.103. Consequently, pursuant to the provisions of 20 CFR 655.104, your application is not being accepted for consideration on the grounds that the availability of U.S. workers cannot be tested because the benefits, wage rates, and/or working conditions do not meet the criteria of the regulations.

The specific reasons why your application cannot be accepted for consideration, with citations to the relevant regulatory standards, appear on the enclosed checklist.

You may submit a modified application. The modifications that are required for consideration of your application also appear on the checklist. If you choose to file a modified application, it must be received in this office no later than the above captioned date. Include your case number on any correspondence sent to the regional office. Failure to do so may result in a delay in processing your application. Direct inquiries to Dave Munson at 206-553-5297, ext. 8023. Also, send the information to the Seattle office, Suite 815 instead of 900.

At the time you file a modified application with this office, you must submit a duplicate modified application to the State Workforce Agency office where you submitted the duplicate of your initial application.

If the modifications in that application are the ones specified in this notice, and the modified application is received by the date requested, it will be accepted for consideration, and a certification determination will be made on your application not later than thirty (30) days prior to your date of need.

If you file a modified application, and it does not contain all the modifications listed in this notice, we will not be able to accept it for consideration. In such event, the application will be returned to you again for further consideration.

If you file a modified application, and it contains all the modifications listed in this notice, but it is not received in the office by the date indicated, the certification determination will be postponed one day for each day?s delay in receiving

the modified application.

As provided by the regulations at 20 CFR 655.104(c), you have the opportunity to request an expedited administrative judicial review or a de novo hearing before a Department of Labor (DOL) Administrative Law Judge on the non–acceptance of the application. To obtain this review or de novo hearing, you must file within seven (7) calendar days of the date of this notice by facsimile (fax), telegram or other means normally assuring next day delivery, a written request for such a review or hearing to the Chief Administrative Law Judge, U.S. Department of Labor, 800 K Street NW, Suite 400, Washington, DC 20001–8002, with a copy to this office. The request for a review or hearing should contain any legal arguments that you believe will rebut the basis for the non–acceptance of the application.

If you do not request an expedited administrative judicial review or a de novo hearing before an Administrative Law Judge within seven (7) calendar days of the date of this notice of non–acceptance, or if you do not choose to resubmit a modified application within five (5) calendar days, no further consideration of the application will be made by any Department of Labor official.

Sincerely,

Martin Rios Certifying Officer

1. Housing 20 CFR 655.102

Deficiency:

The employer gave the location of the housing but not directions on how to get there.

Modification Required:

The employer must give directions to the housing and the worksite.

2. Wages 20 CFR 655.102

Deficiency:

The employer did not list the wage offer in Item 12a on the ETA 750 or Item 9 of the ETA 790.

Modification Required:

The employer must give enter the wage offer in the items on the forms mentioned above.

3. Positive Recruitment Plan 20 CFR 655.102(d)

Deficiency:

The employer did not provide a positive recruitment plan. The positive plan explains what the employer has done to recruit and hire U.S. workers prior to the filing of the application for H–2A workers.

Modification Required:

The employer should explain what action, if any, was taken to recruit and hire U.S. workers prior to the filing the application for H-2A workers.

4. Education, Training and 20 CFR 655.102(c)

Experience

Deficiency:

The employer's job duties, as described, is that of a Farmworker, Livestock. The employer is requiring in Item 14 of the ETA 750, four (4) years of training in livestock/farm, four (4) years of experience in the job offered and 4 years experience in the related occupation of livestock/farming. The specific vocational preparation for a Farmworker, Livestock is four (4) which is a maximum of six (6) months. The total amount of experience requested on the application is 12 years.

Modification Required:

Since the maximum amount of experienc required for a Farmworker, Livestock is six (6) months, the employer must modify Item 14 on the ETA 750 and the attachments to the ETA 790 to require no more than either six (6) months of experience in the job offered or six (6) months of experience in a related occupation. If experience is required in a related occupation, an "or" must be placed between the experience required in the job offered and the related occupation.

The employer is also rquested to list the primary crop for this job order in Item eight (8) on the ETA 750.

5. Number and Type of Workers20 CFR 655.101(b)

Deficiency:

The employer needs to submit only one application listing the number of aliens requested in Item 18a on the ETA 750 unless there are circumstances that warrant the submission of an application each such as the aliens may be coming from different countries or different dates of need.

Total Hours per Week – The employer did not show the total hours per week in Item 10a nor the work schedule in Item 10b on the ETA 750 and the anticipated hours per day and week in Item 10 on the ETA 790. *The employer must provide this information on the forms*.

Attachments to the ETA 790 – The employer's attachment to the ETA 790 did not contain enough information to provide a complete job order so that U.S. applicants can view the job as a whole.

The employer should use the ETA 790 Sample Attachments in the enclosed H-2A Program Employer Information Booklet for the attachments to the ETA 790. These sample attachments are for illustrative purposes only. The employer should put the information in its own words and not just fill in the blanks.

Also enclosed is a copy of the Assurances for the employer's signature on both sides and return to this office.

A Request for Coditional Access into the Interstate Clearance System is also enclosed for the employer's signature.

cc: INTERNATIONAL LIVESTOCK JOB SERVICE COMPANY C.V. RANCHES (GRANT SIMONS)